JS 44C/SDNY REV. 4/2014

CIVIL COVER SHEET

Document 1 Filed 05/19/14

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

| PLAIN' | TIFFS |
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| DIVAC | DELONG |

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER

Michael J. Romano, Esq., ROMANO & ASSOCIATES, 220 OLD COUNTRY ROAD, MINEOLA, NY 11501, 516-248-8880

DEFENDANTS ALVAREZ & MARSAL LLC, MESSAGEMIND, INC., MESSAGEMIND MANGEMENT, INC., C-MAIL CORP., MANISH SOOD, VICTOR ALVAREZ, ALAIN OBERROTMAN, MONICA ALVAREZ-MITCHELL ATTORNEYS (IF KNOWN)

EPSTEIN BECKER & GREEN, P.C., 250 PARK AVENUE, NEW YORK, NEW YORK 10177, 212-351-4500 (on behalf of Daniel I. DeWolf)

| CAUSE O | | | JNDER WHICH YOU ARE FII L STATUTES UNLESS DIVER | | STATEMENT OF CAUSE) | |
|--|--|--|--|---|--|--|
| Plaintiff a | sserts several | claims for alleged lost | wages, including claim | s under FLSA, 29 U.S. | C. 201. | |
| Has this a | ction, case, or p | proceeding, or one essenti | ally the same been previo | usly filed in SDNY at any t | ime? Nd⊄res □Judge Pre | eviously Assigned |
| If yes, was | this case Vol. | ☐ Invol. ☐ Dismissed. | No Yes If yes, | give date | & Case No. | |
| ÎS THIS AN IN | TERNATIONAL ARBIT | RATION CASE? No | × Yes | | | |
| (PLACE AN E | [x] IN ONE BOX O | VLY) | NATURE OF S | SUIT | | |
| | | TORTS | | | ACTIONS UNDER STATUTES | |
| [] 120 [] 130 [] 140 [] 150 [] 151 [] 152 [] 153 [] 160 [] 190 [] 195 | INSURANCE MARINE MILLER ACT NEGOTIABLE INSTRUMENT RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT MEDICARE ACT RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS) RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS STUDIES STUD | PERSONAL INJURY [] 310 AIRPLANE [] 315 AIRPLANE PRODUCT LIABILITY [] 320 ASSAULT, LIBEL & SLANDER [] 330 FEDERAL EMPLOYERS' LIABILITY [] 340 MARINE [] 345 MARINE PRODUCT LIABILITY [] 350 MOTOR VEHICLE PRODUCT LIABILITY [] 350 MOTOR VEHICLE [] 355 MOTOR VEHICLE PRODUCT LIABILITY [] 360 OTHER PERSONAL INJURY [] 362 PERSONAL INJURY - MED MALPRACTICE ACTIONS UNDER STATUTES CIVIL RIGHTS [] 440 OTHER CIVIL RIGHTS | PERSONAL INJURY [] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY [] 365 PERSONAL INJURY PRODUCT LIABILITY [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY PERSONAL PROPERTY [] 370 OTHER FRAUD [] 371 TRUTH IN LENDING [] 380 OTHER PERSONAL PROPERTY DAMAGE PROPERTY DAMAGE PROPUCT LIABILITY PRISONER PETITIONS [] 463 ALIEN DETAINEE [] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255 [] 530 HABEAS CORPUS [] 555 DEATH PENALTY [] 540 MANDAMUS & OTHER | FORFEITURE/PENALTY [] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881 [] 690 OTHER LABOR [] 710 FAIR LABOR STANDARDS ACT [] 720 LABOR/MGMT RELATIONS [] 740 RAILWAY LABOR ACT [] 751 FAMILY MEDICAL LEAVE ACT (FMLA) [] 790 OTHER LABOR LITIGATION [] 791 EMPL RET INC | BANKRUPTCY [] 422 APPEAL 28 USC 158 [] 423 WITHDRAWAL 28 USC 157 PROPERTY RIGHTS [] 820 COPYRIGHTS [] 830 PATENT [] 840 TRADEMARK SOCIAL SECURITY [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWW (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g)) FEDERAL TAX SUITS [] 870 TAXES (U.S. Plainliff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609 | OTHER STATUTES [] 375 FALSE CLAIMS [] 400 STATE REAPPORTIONMENT [] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLUENCE & CORRUPT ORGANIZATION ACT (RICO) [] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV [] 850 SECURITIES/COMMODITIES/EXCHANGE [] 890 OTHER STATUTORYACTIONS [] 891 AGRICULTURAL ACTS [] 893 ENVIRONMENTAL MATTERS [] 895 FREEDOM OFINFORMATION ACT |
| []220 []230 []240 []245 []290 | PROPERTY (Non-Prisoner) [] 441 VOTING CONDEMNATION [] 442 EMPLOYMENT CONDEMNATION [] 443 HOUSING/ RENT LEASE & EJECTMENT TORTS TO LAND TORTS TO LAND TORT PRODUCT [] 46 AMERICANS WITH DISABILITIES - OTH DISABILITIES - OTH | | PRISONER CIVIL RIGHTS [] 550 CIVIL RIGHTS [] 555 PRISON CONDITION [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEM | SECURITY ACT IMMIGRATION [] 462 NATURALIZATION APPLICATION [] 465 OTHER IMMIGRATION ACTIONS ENT | | [] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACTIREVIEW OR APPEAL OF AGENCY DECISION [] 950 CONSTITUTIONALITY OF STATE STATUTES |
| | ck if demanded in | | 38 | | | |
| | ECK IF THIS IS DER F.R.C.P. 2 | ACLASS ACTION 3 | DO YOU CLAIM IF SO, STATE: | THIS CASE IS RELATED | TO A CIVIL CASE NOW | PENDING IN S.D.N.Y.? |
| DEMANE | \$ | OTHER | JUDGE | | DOCKET NUM | BER |
| Check YES of | only if demanded EMAND: Y | in complaint ES □NO | NOTE: You mus | it also submit at the time o | f filing the Statement of Re | elatedness form (Form IH-32). |

| (PLACE AN x IN ONE B | OX ONLY) | | ORIGIN | | | | | |
|---|---|---|--------------------------------------|-------------------|---------------------------------------|---|---|--|
| 1 Original Proceeding | 2 Removed from State Court a. all parties represente | 3 Remanded from Appellate Court | 4 Reinstated or Reopened | | 5 Transferred from (Specify District) | 6 Multidistrict [Litigation | 7 Appeal to District Judge from Magistrate Judge Judgment | |
| | b. At least one party is pro se. | | | | | | | |
| (PLACE AN x IN ONE B | BOX ONLY) | ANT X 3 FEDERAL | S OF JURISDI QUESTION A PARTY) | | DIVERSITY | IF DIVERSIT CITIZENSH | TY, INDICATE IP BELOW. | |
| | CITIZENSI | HIP OF PRINCIPAL | PARTIES (F | OR DI | VERSITY CASE | S ONLY) | | |
| (Place an [X |] in one box for Plaintiff ar | nd one box for Defendan | t) | | | | | |
| CITIZEN OF THIS STA | PTF DEF ATE []1 []1 | CITIZEN OR SUBJECT O FOREIGN COUNTRY | FA | PTF DEF | 3 INCORPORAT | ED and PRINCIPAL PL IN ANOTHER STATE | PTF DEF ACE []5 []5 | |
| CITIZEN OF ANOTHE | R STATE []2 []2 | INCORPORATED or PRIN OF BUSINESS IN THIS | | []4[]4 | 4 FOREIGN NAT | ION | []6 []6 | |
| PLAINTIFF(S) AD | DDRESS(ES) AND CO | JNTY(IES) | | | | | | |
| Plaintiff: Orai | nge County, New | York (address u | unknown) | | | | | |
| | | | | | | | 2 | |
| DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) Daniel I. DeWolf, Esq.: 666 3rd Avenue, #24, New York, NY 10017, Alvarez & Marsal, Victor Alvarez, Tony Alvarez II, Al Lakhani: 600 Madison Avenue, New York, NY 10022 Messagemind LLC, Messagemind, Inc., Messagemind Management, Inc., Manish Sood: One Penn Plaza, 36th Floor, New York, NY 10119 DEFENDANT(S) ADDRESS UNKNOWN | | | | | | | | |
| RESIDENCE ADDI | TION IS HEREBY MADE RESSES OF THE FOLLO | WING DEFENDANTS: | | | | | | |
| C-Mail Corp., Alain Oberrotman, Monica Alvarez-Mitchell, Michael J. Sher, Joseph Kaidanow | | | | | | | | |
| | | | | | | | | |
| (DC | IS ACTION SHOULD NOT check either box if t |) BE ASSIGNED TO this a PRISONER PETIT | D: W TON/PRISONEI | HITE R CIVIL F | | MANHATTA | AN | |
| DATE 5/19/14 | MPLAINT.) SIGNATURE OF ATT | ORNEY OF RECORD | no deop | sey | | ACTICE IN THIS DIS | | |
| RECEIPT# | | | | | Attorney Bar Code # | FAD 3104 | | |
| Magistrate Jud | ge is to be designate | d by the Clerk of the | e Court. | | | | | |
| Magistrate Jud | ge | 1110 | TOF FILL | S | i | s so Designated. | | |
| | , Clerk of Court by_ | | uty Clerk, D | ATED_ | | * | | |
| WHITED OTATES DISTRICT COURT (NEW YORK COUTLERN) | | | | | | | | |